

(3) Is eligible to receive funds for the fiscal year for heavily impacted districts under section 8003(b)(2) of the Act, and

(c) Has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of Federal property, or an increase in enrollment due to expanded Federal activities, housing privatization, or the acquisition of Federal property.

(Authority: 20 U.S.C. 7707(b))

**§ 222.181 What eligibility requirements must an LEA meet to apply for a modernization grant under the fourth priority?**

An LEA is eligible to apply for a modernization grant under the fourth priority of section 8007(b) of the Act if it—

(a)(1) Is eligible to receive funds for the fiscal year under section 8003(b) of the Act; and

(i) Has children living on Indian lands equal to at least 40 percent of the total number of children in ADA in its schools; or

(ii) Has children with a parent in the U.S. uniformed services equal to at least 40 percent of the total number of children in ADA in its schools; or

(2) Is eligible to receive assistance for the fiscal year under section 8002 of the Act;

(b) Has used at least 75 percent of its bond limit;

(c) Has an average per-student assessed value of real property that may be taxed for school purposes that is below its State average; and

(d) Has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of Federal property, or an increase in enrollment due to expanded Federal activities, housing privatization, or the acquisition of Federal property.

(Authority: 20 U.S.C. 7707(b))

**§ 222.182 Under what circumstances may an ineligible LEA apply on behalf of a school for a modernization grant under the fourth priority?**

An LEA that is eligible to receive a payment under Title VIII for the fiscal year but that does not meet the other

eligibility criteria described in § 222.181 may apply on behalf of a school located within its geographic boundaries for a modernization grant under the fourth priority of section 8007(b) of the Act if—

(a) The school—

(1) Has children living on Indian lands equal to at least 40 percent of the total number of children in ADA; or

(2) Has children with a parent in the U.S. uniformed services equal to at least 40 percent of the total number of children in ADA;

(b) The LEA has used at least 75 percent of its bond limit;

(c) The LEA has an average per-student assessed value of real property taxable for school purposes that is below its State average; and

(d) The school has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of Federal property, or an increase in enrollment due to expanded Federal activities, housing privatization, or the acquisition of Federal property.

(Authority: 20 U.S.C. 7707(b))

**HOW TO APPLY FOR A GRANT**

**§ 222.183 How does an LEA apply for a grant?**

(a) To apply for funds under this program, an LEA may submit more than one application in a fiscal year. Examples follow:

*Example 1:* An LEA would submit two applications if it wants to receive both an emergency and a modernization grant for one particular school facility.

*Example 2:* If an LEA has five schools and seeks emergency grants to replace a roof and a boiler in one school and to replace windows in a second school, it should submit two applications—one for each of the two school facilities that the LEA wants to renovate.

(b) An application must—

(1) Contain the information required in §§ 222.184 through 222.186, as applicable, and in a FEDERAL REGISTER closing date notice that the Secretary will publish; and